

Upon motion of Senator Shannon, the Senate went into Committee of the Whole upon the question. (Senator Burney in the Chair.)

The committee rose, reported progress and asked to be discharged.

Report of the committee adopted.

Upon motion of Senator Burney, (pending the question upon the adoption of the majority report,) the Senate adjourned until Monday morning, Oct. 29th, 9 o'clock.

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SENATE CHAMBER, }  
Oct. 29, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—no quorum.

Senate adjourned to 9½, a. m., waiting for the arrival of Senators to complete a quorum.

Roll called—quorum present.

Journal of Saturday read and adopted.

Upon motion of Senator Record, Senator Dalrymple was excused until Wednesday morning, Oct. 31st.

Senator Guinn made the following report:

*To the President of the Senate :*

The Committee on Finance, to whom was referred the special message of the Governor in relation to the condition of Calhoun county, and recommending the relinquishment of the State taxes to said county for the next two years, have maturely considered the subject of the recommendation ; and while your committee believe that the circumstances particularly connected with this county, for several years past, the many losses and privations to which its population have been subjected, commend the appeal, in their behalf, for assistance, with great force, to the liberal consideration of the Legislature ; yet, other counties of the State have suffered in like manner, if not to the same extent, and a number of applications have been made in their behalf for similar relief.

The committee have not thought that the condition of the finances of the State was such as to authorize the making of donations of this character at this time ; and in this case, as on former occasions, the majority of the committee instruct me to

say that in their opinion it is injudicious and impolitic, at this time, to grant the relief recommended by the special message.

R. H. GUINN, Chairman.

Also reports :

*To the President of the Senate :*

The Committee on Finance, to whom was referred a House bill entitled "An Act to establish the salaries of State officers," have considered the same, and instruct me to report the same back with the accompanying amendments, and to recommend their adoption and the passage of the bill as amended.

STATE DEPARTMENT.

1st. Amend by striking out figure "4," and insert "5," in salary of Clerk.

TREASURER.

Insert "one Assistant Clerk, \$1,400."

PENITENTIARY.

Insert, for salary of Chaplain,	-	-	-	-	\$500
For salary of Physician,	-	-	-	-	500

Also, reports and recommends the adoption of joint resolution making an appropriation for the payment of S. B. Buckley for services as Geologist.

Also reports :

*To Hon. G. W. Jones, President Senate :*

The Finance Committee, to whom was referred a bill to amend the first section of an act entitled "An Act authorizing the State Treasurer to employ an extra clerk for the term of six months," approved Sept. 4th, 1866, have duly considered the same, and have instructed me to report that the bill ought to pass; but that they have recommended that the bill fixing salaries of State officers be so amended as to accomplish the object sought to be accomplished in the bill now reported. They recommend that no action be had upon this bill if the Senate adopts the amendment, and passes the salary bill this day reported from said committee.

R. H. GUINN, Chairman.

Also reports :

*Hon. G. W. Jones, President of the Senate :*

The Finance Committee, to whom was referred a bill for the relief of F. H. Arlitt, Assessor and Collector of taxes of Bexar county, have duly considered the same, and find that he is asking compensation for money paid out for two Deputies employed by him upon the ground that the time he had from the time of his appointment by the County Court of Bexar county, to make the assessment, was so short a time that he could not do it. The committee believe, under the law and Constitution of the

State, that they could not grant the relief, however meritorious the claim may be, because the law fixes the pay of Assessors, and after the services are rendered, the Legislature has no power, under the Constitution, to grant extra compensation for the performance of the duties of the office, but they are prohibited from making any appropriation for such claims. They have instructed me to return the bill to the Senate and ask that it do not pass.

R. H. GUINN, Chairman.

COMMITTEE ROOM, }  
Austin, Oct. 29th, 1866. }

*Hon. G. W. Jones, President of the Senate :*

The Committee on Engrossed Bills, have examined and find correctly engrossed, the following bills, viz :

A bill to be entitled "An act to authorize the issuance and locations of certain land certificates therein named, as other certificates."

A bill to be entitled "An act to amend articles 757 and 766 of an act to adopt and establish a Penal Code for the State of Texas."

A bill to be entitled "An act to incorporate the Georgetown Male and Female Academy."

And a bill to be entitled "An act for the relief of Mrs. Mary Benton."

Respectfully submitted.

W. M. NEYLAND,

Chairman Committee on Engrossed Bills.

Senator Foscue, Chairman of Committee on Education, made the following report:

*To the President of the Senate :*

The Committee on Education, to whom was referred the Joint Resolution from the House of Representatives, to accept the provisions of Congress of the United States, approved of July 2nd, 1862, entitled "An act to donate public land to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," have had the Joint Resolution under consideration, and instruct me to report it back to the Senate and recommend its passage.

F. F. FOSCUE, Chairman.

Upon motion of Senator Foscue, rule was suspended, and bill and report, taken up, read second time and passed to a third reading; rule further suspended, read third time and passed.

Senator Selman, Chairman of Committee on Public Lands, made the following report:

*Hon. G. W. Jones, President of the Senate :*

The Committee on Public Lands, to whom was referred a

House bill, to be entitled "An act for the relief of pre-emption settlers, and to extend the time for the return of the field notes, and the time for the payment of all dues by settlers under the act authorizing the sale of the public domain," have had the same under consideration and direct me to report it back to the Senate and recommend its passage.

B. T. SELMAN, Chairman.

Upon motion of Senator Randolph, rule suspended, and bill and report taken up, read second time and passed to a third reading; rule further suspended, read third time and passed.

Senator Shelley, for the Committee on Commerce and Manufactures, reported back a bill supplemental to and amendatory of an act to encourage the erection of certain machinery by donations of land and otherwise, approved December 15th, 1853, and recommended that it be not passed.

Senator Shelley, Chairman of Select Committee, upon a bill to provide for the employment of convicts in county jails. Reported back the bill and recommended its passage, with the following amendments, viz:

Amend the caption by striking out the words "in county jails." and insert "for petty offences."

Amend 1st section by inserting after the word "employ," in fourteenth line, the words "to let the labor of," and in fifteenth line, after the word "convict," insert the words "for hire."

Amend 2nd section by inserting after the word "manner," in second line, the words "the labor."

Upon motion of Senator Guinn, rule suspended, and bill and report taken up: amendments recommended by the committee adopted.

Bill as amended, read second time and ordered to be engrossed; rule further suspended, read third time and passed.

Senator Shannon, Chairman of Committee on Indian Affairs, reports and recommends the passage of a bill to appropriate money to pay Capt. John Teague's minute Company, mustered into service in Wise county, on the 14th day of October, 1865.

Senator Voigt offered the following concurrent resolution.

*Resolved*, That a joint committee of six on the part of the Senate, and a corresponding number on the part of the House, be appointed for the purpose of preparing a memorial to the President of the United States, petitioning for the immediate release from captivity of our former chief, now prisoner of war, Mr. Jefferson Davis.

*Resolved 2d*. That said memorial, when adopted by both Houses, and entered upon the Journals, be placed into the hands

of His Excellency, the Governor of the State, for his approval, and that he be requested to forward the same to the Executive of the United States.

*Resolved 3d.* That a copy thereof be sent to the distinguished prisoner at Fortress Monroe, by and with the consent of the authorities of the United States.

On motion of Senator Bumpass the resolution was adopted.

Senator Coppedge offered the following resolution :

*Resolved,* That the Committee on Printing be authorized to employ some suitable person to index the Journals of the Senate from the advanced sheets now in the hands of the Printer, so that the Journals may be ready for delivery within three days after adjournment.

Senator Guinn offered the following as a substitute :

*Resolved,* That the Secretary of the Senate have the Journals of the Senate indexed before they are published, and that he be paid for ten days for such service.

Substitute adopted.

Senator Boyd introduced a bill prohibiting the false personation of Justices of the Peace, Sheriffs, Deputy Sheriffs, Coroners or Constables.

Read first time and referred to Judiciary Committee.

On motion of Senator Fescue, Senator Randolph was excused from to-morrow for the remainder of the session.

Senator Guinn introduced a bill to encourage the manufacture of iron, and to authorize the employment of convict labor therein.

Read first time and referred to Committee on State Affairs.

Senate resumed the consideration of the question pending at the adjournment on Saturday the 27th, viz : The adoption of the report of the majority of the Committee on State Affairs, upon a bill to provide for the erection of a new State within the present territorial limits of the State of Texas.

Senator Burney moved a call of the Senate.

Call sustained.

The Senate being full, upon motion of Senator Guinn, the call was suspended, and the yeas and nays being called, upon the adoption of the majority report, it was adopted by the following vote :

YEAS—Senators Braswell, Blount, Brown, Bumpass, Burney, Knox, Littleton, McDade, Parker, Randolph, Reed, Shannon, Shelley, Stell, Voigt and Yarbrow—16.

NAYS—Senators Boyd, Cooley, Coppedge, Guinn, Jowers, Nelson, Neyland, Saufley, Selman and Truitt—10.

Senator Fescue's name being called, he announced that he had

agreed to pair off with Senator Cook, who was absent, and was excused from voting.

Senator Record's name being called, he was excused by the Senate from voting.

There being no quorum present to transact business, upon motion of Senator Guinn, a call of the House was ordered :

Senate being full, the call was suspended.

The chair announced the following as the committee authorized under a resolution petitioning the President of the United States for the release of Jefferson Davis :

Senators Voigt, Stell, Foscue, Jowers, Cooley and Guinn.

Senator Littleton introduced a bill for the relief of J. W. Vineyard and his assigns.

Read first time and referred to Committee on Commerce and Manufactures.

Senator Knox, for the Committee on Internal Improvements, reports and recommends the passage of a bill "To incorporate the Contractors' Association."

Upon motion of Senator McDade, rule was suspended, and bill and report was taken up.

Bill read second time and ordered to be engrossed ; rule further suspended, bill read third time, and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Coppedge, Guinn, Knox, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Reed, Selman, Shannon, Stell, Truit and Voigt—21.

NAYS—Senator Foscue—1.

Upon motion of Senator Reed, the rule was suspended, and a "Joint Resolution granting leave of absence to Hon. J. J. Holt during summer vacation of 1867," was taken up.

Bill read second time and passed to third reading ; rule further suspended, bill read third time and passed.

Upon motion of Senator Burney, Senators Boyd and Voigt were added to Committee on Enrolled Bills.

Senator Guinn offered the following resolution :

*Resolved*, That it shall be the duty of the Secretary of the Senate to note on the Journal those Senators absent at every call of the Senate at the time of the Senate meeting, and upon the call of the yeas and nays.

Laid over under the rule.

A message was received from the House, announcing the passage of the following bills, which, upon motion of Senator Guinn, were taken up and action had thereon, as indicated :

House bill regulating public schools.

Read first time and referred to Committee on Education.

House bill to amend the 11th section of an act to authorize the sale of the public domain, approved 11th February, 1858, and to repeal the second section of an act amending the 1st and 11th sections of an act authorizing the sale of the public domain, approved 11th February, 1858, approved 1st January, 1862; also, to repeal an act authorizing the sale of the public domain, approved 4th March, 1863, read first time and referred to Committee on Public Lands.

House bill supplemental to and amendatory of an act entitled an act to establish a Code of Criminal Procedure for the State of Texas, read first time and referred to Judiciary Committee.

House bill to require the Judge of the 14th Judicial District to hold a special term of the District Court of Bexar county; read first time, rule suspended, read second time and passed to third reading; rule further suspended, read third time and passed.

House bill to incorporate the Victoria and Columbia Railroad Company.

Read first time and referred to Committee on Internal Improvements.

House bill validating the certificate of election issued to Robert S. Gould, as Judge of the 13th Judicial District.

Read first time, rule suspended, read second time and passed to a third reading; rule further suspended, read third time and passed.

House bill to authorize the reception of Treasury Warrants for Land dues in certain cases.

Read first time and referred to Committee on Commerce and Manufactures.

House bill providing for the assessment and collection of Taxes.

Read first time, by caption, and referred to Finance Committee.

Senate bill to incorporate the Caddo Lake Manufacturing Company.

The hour having arrived for the consideration of the special order, viz: House bill to regulate the sale, alienation, &c, of animals in this State, and to require butchers to report to the Police Court all animals slaughtered, &c., bill with an amendment offered on a former occasion by Senator Neyland, was taken up. Senator Neyland withdrew the pending amendment.

Senator Brown moved to amend as follows:

Provided, that the provisions of this act shall not apply to any

of the counties now composing the First Congressional District, except the counties of Liberty, Chambers and Jefferson.

Amendment made.

Senator Neyland moved to amend as follows:

Insert between the words "market" and "or," in 10th line, 3d section, the words "or any calf separate from the mother, or yearling, on which the brand has not pealed and healed."

Senator Bumpass moved to lay the amendment on the table.

Motion lost.

Question recurring on the amendment, it was adopted.

Senator Saufley moved to amend as follows:

Provided, the 7th Senatorial District be exempted from the provisions of this bill.

Upon motion of Senator Littleton, the amendment was laid on the table.

Senator Record moved to amend as follows:

Strike out 1st section.

Senator Jowers offered the following resolution:

*Resolved*, That the stock now under discussion, be permitted to run at large until 7 o'clock to-night, and that the Senate adjourn until that hour.

Senator Stell moved the adoption of the resolution, pending which,

Upon motion of Senator Guinn, the Senate adjourned until 7½ o'clock, this evening.

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SENATE CHAMBER. }

7½ o'clock, p. m., October 29, 1866. }

Senate met pursuant to adjournment.

Roll called—quorum present.

Senate resumed the consideration of the question pending at adjournment, viz: the amendment offered by Senator Record, to a bill to regulate the sale, alienation, &c., of animals in this State, and to require butchers to report to the Police Court all animals slaughtered, &c.

Senator Record withdrew his amendment.

Senator Foscue moved to strike from the bill that portion of the proviso, excepting the counties of Liberty, Chambers and Jefferson.

Amendment made.

Senator Record resumed his motion to strike out section 1st, of the bill.



Upon motion of Senator Littleton, the motion to strike out 1st section was laid on the table.

Senator Bumpass moved to amend as follows:

Provided, that all butchers, shippers and regular stock dealers or drovers in the 1st Congressional District shall not be exempt from the provisions of this act.

Senator Neyland moved to lay the amendment on the table.

Upon which the yeas and nays being called, the Senate refused to table the amendment, by the following vote:

YEAS—Senators Brown, Coppedge, Foscue, Guinn, Jowers, Littleton, Neyland, Parker, Record and Voigt—10.

NAYS—Senators Braswell, Blount, Bumpass, Burney, Cooley, Knox, McDade, Nelson, Reed, Shannon, Shelley, Stell and Yarbrow—13.

Senator Bumpass withdrew the amendment.

Senator Littleton moved the previous question.

Motion prevailed, and the main question being put, the bill was read second time, and passed to a third reading.

Rule further suspended, read third time, and the yeas and nays being called, the bill passed by the following vote:

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Cooley, Coppedge, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Parker, Reed, Shelley, Stell, Voigt and Yarbrow—20.

NAYS—Senators Blount Burney, Record, Shannon and Saufley—5.

Upon motion of Senator Guinn, Senator Shelley was excused from attendance upon the Senate for the balance of this week.

Upon motion of Senator Littleton, rule was suspended, and a bill to amend the Penal Code in relation to offences committed against live stock, with amendments recommended by the Committee on Stock and Stock-Raising, was taken up.

Senator Blount offered a substitute for the bill.

Upon motion of Senator Stell, substitute adopted, and upon motion of Senator Blount referred to Judiciary Committee.

Upon motion of Senator Knox, rule was suspended, and a bill to incorporate the American Industrial and Insurance Agency, was taken up.

Senator Stell moved to amend as follows :

Amend section 1st, strike out "insure," 18th line, and insert "obtain insurances on."

Amend section 1st, 20th line, strike out "make" and insert "obtain."

Amend section 1st, 29th line, strike out "in discounting or loaning."

Amend section 1st, 21st line, strike out "State government."

Amend section 2d, insert after the word "of," in 1st line, "not more than ten millions of dollars divided into."

Amend section 3d, insert after the word "bearer," in 21st line, "Provided, that no certificate shall be issued for a less amount than the whole sum which the payer in such certificate may leave on deposit with said company. And provided further, that such certificate shall not circulate as money."

Amend section 3d, insert after the word "certificates," in 27th line, "and the expense of protest, provided that if the sum realized from the sale of such bonds or other securities, be not sufficient to pay the sum due on said certificates and cost of protest, the payer therein, on making oath to the fact, shall have summary attachment against the property of said company, and cause the same to be sold after ten days' notice."

Amend caption by striking out "and insurance."

Amendments made.

Bill as amended read second time and ordered to be engrossed; rule further suspended, bill read third time and passed by the following two-third vote:

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Burney, Coppedge, Guinn, Knox, Littleton, McDade, Nelson, Neyland, Parker, Record, Selman, Shannon, Shelley, Voigt and Yarbrow—19.

NAYS—Senators Blount, Cooley and Reed—3.

Upon motion of Senator Guinn, rule was suspended, and a House bill to establish the salaries of State officers, with amendments recommended by the Committee on Finance, was taken up.

Upon motion of Senator Guinn, the Senate proceeded to vote *seriatim* upon the amendments.

1st amendment made.

The yeas and nays being called upon the adoption of the 2d amendment, the amendment was made by the following vote:

YEAS—Senators Braswell, Brown, Burney, Cooley, Coppedge, Guinn, Jowers, Knox, Littleton, McDade, Neyland, Record, Reed, Shannon, Shelley, Stell, Voigt and Yarbrow—18.

NAYS—Senators Blount, Boyd, Bumpass, Foscue, Nelson, Saufley and Selman—7.

Upon motion of Senator Guinn, the 3d and 4th amendments were adopted.

Senator Shelley moved to strike out "seventeen" in salary of S. J.—SIG. 31.

Chief Draftsman of Land Office, and insert "eighteen" in lieu thereof.

Motion lost.

Upon motion of Senator Guinn, 2d section was amended by striking out "November" and inserting "January."

Senator Bumpass moved to amend as follows :

In pay of members of Legislature, and Clerk of House of Representatives, and Secretary of the Senate, strike out "eight" and insert "five," and in pay of other officers of Legislature, strike out "five" and insert "three."

Strike out salary of Adjutant General.

Strike out salary of Commissioner of Statistics.

Strike out salary of three Assistant Clerks in the Land Office.

Senator Record offered the following as a substitute for the amendment :

Amend by inserting for Sergeant-at-Arms "eight dollars" in lieu of "five dollars."

Senator Record withdrew the substitute.

Senator Cooley moved to adjourn until 9½ o'clock to-morrow morning.

Motion lost.

Upon motion of Senator Brown, the amendment offered by Senator Bumpass was laid on the table.

Senator Record moved to amend as follows :

Amend by inserting for Sergeant-at-Arms, Engrossing Clerk and Enrolling Clerk "eight dollars."

Pending the adoption of the amendment, upon motion of Senator Saufley, the Senate adjourned until to-morrow morning at 9 o'clock.

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SENATE CHAMBER, }  
October 30, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Foscue presented memorial of County Court of Chambers county.

Referred to Committee on Finance.

Senator Burney presented the petition of citizens of Marlin, Falls county.

Referred to Committee on State Affairs.